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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,016	11/14/2003	Clifford L. Wolfe	211-01 US	8386
25319	7590	01/11/2006		
FREEDMAN & ASSOCIATES 117 CENTREPOINTE DRIVE SUITE 350 NEPEAN, ONTARIO, K2G 5X3 CANADA			EXAMINER GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,016	WOLFE, CLIFFORD L.	
	Examiner	Art Unit	
	Charles N. Greenhut	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

I. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 15-19 is/are rejected under 35 U.S.C. 102(b) as being anticipated by McFARLAND (US 4,573,854 A).

1.1. With respect to claim 15, McFARLAND discloses disposing a load platform supported by a lift support base behind a rear bumper with the platform in close proximity to the ground, the lift support base mechanically connected at the left and right to a left and right actuator the actuators connected to gear mechanisms, the base attached to the vehicle floor, disposing the load on the platform, using the actuators to move the platform, moving the platform through the rear door of the vehicle to a position where the platform is substantially vertical.

1.2. With respect to claim 16, McFARLAND additionally discloses left and right gear mechanisms connected to an extension unit.

1.3. With respect to claim 17, McFARLAND additionally discloses translating the extension unit to a position within the vehicle.

1.4. With respect to claim 18, McFARLAND additionally discloses the load platform moved onto the extension unit (Fig. 4).

1.5. With respect to claim 19, McFARLAND additionally discloses the base located in proximity to the rear door and substantially vertical.

II. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1-14 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over WOLFE.

1.1. With respect to claim 1-3, 6, 10-11 WOLFE discloses a horizontally movable load platform (7) supported by wheels (19) having a drive mechanism (15), a base (18), a lift support base (6), a right and left hydraulic lift actuator (5)/(Fig. 17 #10), a right and left gear mechanism (Fig. 6-11), extension unit (25), gear mechanisms acting in response to the translational movement thereof (Fig. 6-8). WOLFE discloses the apparatus for transferring the load through a side of a vehicle as opposed to a rear. It would, however, have been obvious to one of ordinary skill in the art to move the apparatus of WOLFE to the rear of a vehicle, thereby enabling the transfer of a load through the rear of a vehicle since rear-loading of cargo and/or persons is a practice commonly known in the art.

1.2. With respect to claims 7-9, WOLFE additionally discloses the drive mechanism comprising a friction and chain drive (15) interacting with a toothed gear (20)/(44) driven by an electric motor (8) powered by a vehicle battery (Fig. 18 #1).

1.3. With respect to claim 4-5, WOLFE additionally discloses a toothed gear drive (Fig. 13) driven by an electric motor (8), however WOLFE fails to disclose the toothed gear drive for providing the translational movement of the extension unit. WOLFE

teaches the translational movement provided by a piston (14). It would have been obvious to one of ordinary skill in the art to modify WOLFE with the motor driven toothed gear drive providing the translational movement of the extension unit because a piston and a motor driven toothed gear drive are known in the art as equivalent and interchangeable actuation means.

1.4. With respect to claim 12, WOLFE fails to teach the levers and pivot points in the exact configuration of applicants claimed four-bar linkage. WOLFE, however, also teaches a four-bar linkage, the operation of which (Fig. 6-9) performs substantially the same function in substantially the same way to yield substantially the same result as applicant's. It would have been obvious to one of ordinary skill in the art to rearrange the linkage elements of WOLFE in order to accommodate different loads, vehicles or desired actuation means.

1.5. With respect to claim 13, WOLFE additionally discloses a lift actuator support (28).

1.6. With respect to claim 14, WOLFE additionally discloses the lift support base (6) in a position substantially parallel to the side door (Fig. 1). As noted above, it would have been obvious to one of ordinary skill in the art to move the apparatus of WOLFE to the rear of a vehicle, thereby enabling the transfer of a load through the rear of a vehicle since rear-loading of cargo and/or persons is a practice commonly known in the art. Doing so, would thereby cause the support base (6) to achieve a position substantially parallel to the rear door instead of the side door.

III. Response to Applicant's Arguments

Applicant's arguments entered 11/18/05 have been fully considered but are not persuasive.

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1. Applicant argues, with respect to claims 1-14 that McFARLAND does not teach every feature of the claimed invention. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues, with respect to claims 15-19 that McFARLAND fails to teach “translationally moving the load platform with the load through the rear door opening from the lift support base into the vehicle” because the platform in McFARLAND is moved rotationally instead of translationally. The ordinary meaning of the term ‘translationally,’ however, does not necessarily exclude rotational motion. ‘To translate’ is defined simply as ‘to transfer from one place to another’ (*The American Heritage® Dictionary of the English Language, Fourth Edition*) and does not require a specific type of motion, such as, for example, rectilinear, as applicant suggests.

IV. Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. .

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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